

	BIAS CRIMES AND BIAS INCIDENTS	Operations Order 7.9.00
	PHOENIX POLICE DEPARTMENT	Rev. 04/19/24 PAGE 1

1. POLICY STATEMENT

- A. Officers are required to respond, properly investigate (to include attempts at locating and arresting any suspect/s) and complete an Incident Report (IR) on all Bias Crimes/Hate Crimes that contain a criminal element.
- Bias Crimes affect the **entire community**, not just the individuals involved. Appropriate response to bias crimes can mitigate some subsequent negative impacts
 - It is mandatory for each local law enforcement agency to report Bias Crimes to the Arizona Department of Public Safety and the Federal Bureau of Investigation.
 - Officers are required to document Bias Incidents that do not contain a criminal element for documentation and tracking purposes in a Field Interrogation (FI) report.
 - Bias Incidents with a criminal element will be documented in an IR.
- B. Officers will notify a supervisor when investigating a Bias Crime.
- If detective assistance is required due to the complexity or violence level, patrol supervisors will contact the Violent Crimes Bureau (VCB) desk sergeant to request assistance.

2. DEFINITIONS/PROCEDURES

A. Bias	A pre-formed negative opinion or attitude toward a person or group based on their real or perceived identity, including but not limited to: race, color, religion, national origin, sexual orientation, gender and disability
B. Bias Motivation	Indicators to ascertain whether the offender was motivated to commit the offense because of bias against a person's race, color, religion, sex, gender, national origin, sexual orientation, or disability. • Because of the difficulty in ascertaining the offenders' subjective motivation, bias is to be reported if the investigation reveals any indication which would lead a reasonable and prudent person to conclude the offender's actions were motivated in whole or in part by bias. • Employees are strongly encouraged to contact the Bias Crimes Squad for guidance and specialized assistance.
C. Bias Incident	• An incident fitting the description of a Bias Crime, but lacking any criminal element, such as racial slurs. • Bias incidents will be reported in an FI.
D. Bias Crime	• A criminal offense committed against a person, group or property which is motivated in whole or in part by the offender's bias against a race, color, religion, national origin, sexual orientation, gender and disability group. • Bias incidents will be reported in an IR.

3. INVESTIGATION OF BIAS CRIMES AND BIAS INCIDENTS

- A. Bias Crimes and Incidents are often reported by a third party. Officers will attempt to identify and contact the person who posted the threat or bias statement (suspect), who the threat or bias statement was sent to (victim), and who originally discovered the threat or bias statement (could be a witness, RP, or victim).
- B. Bias Incidents fit the description of a Bias Crime; however, lack a criminal element. Bias Incidents shall also be reported and investigated. Bias Incidents will be documented in an FI.
- C. Interview all involved parties (Reporting Person (RP), victim/s, witness/es, suspect/s, and manager/owner).

BIAS CRIMES AND BIAS INCIDENTS		Operations Order
		7.9.00
PHOENIX POLICE DEPARTMENT	NEW 01/31/24	PAGE 2

3. C. (1) Officers are strongly encouraged to allow free narrative and enable victims to use their own words. Ask the victim:
 - Specify the victim's membership in the protected class, if able.
 - Victims/Witnesses will often use general descriptions, "the suspect made racial slurs, or derogatory statements". Officers need to document verbatim statements in quotations.
 - Why do they believe this happened?
 - What do the words or symbols mean?
 - Is this a significant holiday for the victim?
 - Has this happened before or are there other recent issues?
 - (2) Reasonable efforts will be made to contact and interview the suspect in person.
 - (a) During the interview, which will be audio recorded or captured on Body-Worn Camera (BWC), the below questions will be asked, and all answers will be documented in the IR:
 - What was the suspect's intentions?
 - Have they taken any steps to carry out the threat/harassment/damage/assault?
 - What social media platforms do they use?
 - Do they admit to making the statements, assault or threat?
 - Why did they choose the derogatory words or bias statements and what do the words mean to them?
 - Establish if the suspect has a bias toward the protected class. This could be asked as "what are your thoughts on the protected class?" This could also be worded as, "does this group have an issue with you"? Or, "When has this happened before"?
4. **EVIDENCE COLLECTION**
- A. Because many cases involve the use of social media, text messages, and/or internet connected devices (including cell phones and computers), capturing and preserving the digital evidence is critical. If able, preserve the digital evidence from victim/s and third parties/witness/es.
 - (1) Take photographs of all digital evidence, as outlined in [Operations Order 5.8.05](#).
 - Photographs of the digital evidence are preferred over screen shots due to the ability to edit screen shots.
 - These images should be attached to the IR in the Field Based Reporting (FBR) system.
 - (2) The suspect's electronic devices containing evidence, to include cell phones, tablets, and computers, **will** be impounded in circumstances where a law enforcement officer is in a position to lawfully seize the device/s.
 - (3) Obtain all email addresses, usernames\vanity names, and uniform resource locators (URLs) of all involved social media accounts.
 - Email addresses will be documented in the involved person's information section of the IR.
 - Usernames\vanity names and URLs will be documented in the Narrative section of the IR.

BIAS CRIMES AND BIAS INCIDENTS		Operations Order 7.9.00
PHOENIX POLICE DEPARTMENT	NEW 01/31/24	PAGE 3

5. **DISPOSITION OF SUSPECT**

- A. If a suspect is found to have committed or threatened a bias crime, and the victim desires prosecution, the suspect **should** be arrested and appropriately detained/booked or cited in lieu of detention. (see [Operations Orders 7.6.00, Arizona Traffic Ticket and Complaint](#) for CLD procedures)
- B. Officers will ensure the appropriate detention/booking, fingerprinting, and photographing procedures are followed as outlined in [Operations Order 7.8.00, Juvenile Procedures](#), or [Operations Order 7.7.04, Booking Procedures](#).

6. **DOCUMENTATION**

- A. Bias Crimes/Incidents are reported to the FBI, therefore an incident report needs to be generated regardless of whether the victim desires prosecution or the suspect is unidentified.
- B. Officers will:
 - Notify a supervisor when investigating a Bias Crime.
 - Complete the original IR or FI for all Bias Crimes and Incidents with the most serious offense listed as the primary offense.
 - Ensure “Bias Incident” is selected as an “Element of the Incident” in the Incident (Heading) section.
 - Ensure appropriate locations are selected in the IR. Select appropriate dropdowns for the protected class and select the bias box.

Last Organizational Review: